

Exhibit 2

McCarthy, Sean M.

From: McCarthy, Sean M.
Sent: Monday, August 06, 2018 1:03 PM
To: SStark@perkinscoie.com; JPutman@perkinscoie.com; Pickens, Robert S.
Cc: #Philips; HTC-PhilipsPerkinsService@perkinscoie.com
Subject: RE: Philips Service

Hi Stevan,

Thank you for confirming that HTC is not opposed to Microsoft being the first party to proceed to trial. However, as you are aware, we are seeking not only a first trial against Microsoft, but a consolidated Windows-based trial against all defendants that sell products running the Windows operating system. To that end, you still have not answered whether HTC is requesting an opportunity to be heard on the § 299 issue, *i.e.*, whether Microsoft, ASUS, Acer, Yifang, and Visual Land should be consolidated into a single trial as to their Windows-based products. Please confirm that HTC will not address this issue in the Administrative Motion you are proposing.

As to the trial staging proposal, Philips has not modified its proposed trial schedule from what we offered to the Court in the Joint Case Management Conference Statement. *Compare* Motion to Consolidate, p. 4 *with* Joint CMC Statement, p. 42-43. As you can see from the below, in the Joint Case Management Conference Statement we specifically proposed to have a second set of trials against HTC, which is the same proposal we included in the Preliminary Statement of our Motion to Partially Consolidate.

Joint Case Management Conference Statement	Motion to Partially Consolidate Matters for Trial
Philips then proposes to have a third and fourth trial, each involving a subset of the patents asserted against HTC.[] This third and fourth trial would not involve any Windows-based infringement issues. Rather, it would focus on the Android-based HTC products and resolve all the infringement, damages and validity issues as between Philips and HTC.	The second set of trials would be against HTC. These trials would not involve any Windows-based issues. Rather, they would focus on HTC's accused products, all of which use the Android operating system, and would resolve all of the infringement, damages, and validity issues as between Philips and HTC.

Accordingly, to the extent it is your position that our proposal in the Motion to Partially Consolidate Matters for Trial necessitates your filing of your Administrative Motion, we disagree. We have not requested the Court order any relief at this time concerning the HTC action. Therefore, there is no trial staging issue relating to HTC that is ripe for decision in the context of our pending motion. Moreover, to the extent HTC has an interest in how any of the trials that follow the Microsoft trial are staged, HTC has already been heard on this issue in the Joint CMC statement, and will be heard on this issue at the next Case Management Conference in October.

While we continue to believe it is not necessary or appropriate for HTC to be heard on this motion, in the interest of compromise, we do not oppose your request to file an Administrative Motion to the extent it is limited to how the HTC trials should fit into the schedule after the conclusion of the Microsoft trial, and does not address whether it is proper to consolidate the Windows-related Defendants. To be clear, however, we do not agree that HTC has the right to be heard on our Section 299 motion. Further, we reserve our right to respond to any of your positions accordingly.

Best regards,
 Sean

Sean M. McCarthy

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[Bio](#)

From: Stark, Stevan R. (Perkins Coie) [<mailto:SStark@perkinscoie.com>]

Sent: Friday, August 03, 2018 7:41 PM

To: McCarthy, Sean M.; JPutman@perkinscoie.com; Pickens, Robert S.

Cc: #Philips; HTC-PhilipsPerkinsService@perkinscoie.com

Subject: RE: Philips Service

Hi Sean:

HTC is not opposed to Microsoft being the first party to proceed to trial. HTC also continues to believe that the appropriate trial staging is the one proposed by defendants in the CMC statement. HTC, however, wishes to address Philips' global proposal (e.g., on p. 4 of your motion to consolidate) that invites the court to consider staging HTC in the second set of trials. Philips' motion clearly makes a "proposal" that impacts HTC and contends that it would yield certain efficiencies. HTC disagrees that it is an appropriate bellwether defendant for non-Windows-related cases, and seeks to inform the court of its position. As such, HTC is planning to file an administrative motion requesting that the court consider HTC's position (set forth in a short five page response to be submitted with the administrative motion) when considering how best to stage the cases.

Please let us know whether you will stipulate to the filing of the administrative motion or oppose. HTC intends to file its administrative motion on Tuesday, August 7.

In addition, please let us know whether Philips infringement contentions include any confidential information of any party other than HTC, as our administrative motion may include excerpts from the infringement contentions.

Thanks,
Stevan

Stevan Stark | Perkins Coie LLP

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206.359.3029

From: McCarthy, Sean M. [<mailto:SMcCarthy@FCHS.COM>]

Sent: Wednesday, August 01, 2018 4:50 PM

To: Putman, Jonathan R. (Jon) (SEA) <JPutman@perkinscoie.com>; Pickens, Robert S. <RPickens@FCHS.COM>

Cc: #Philips <#Philips@fchs.com>; *HTC-Philips Perkins Service <HTC-PhilipsPerkinsService@perkinscoie.com>

Subject: RE: Philips Service

Jon,

You are correct that we did not file our Section 299 motion in the HTC matter and therefore HTC does not have standing to oppose it. Frankly, it is unclear to us from your email below what, if any, aspect of our motion HTC opposes. It is also not clear on what "issue" HTC believes it needs to be heard or why HTC believes its proposed Administrative Motion is

necessary or appropriate. We had understood that HTC had no objection to the Microsoft claims being tried first. Certainly, no such objection has been voiced previously. HTC has no accused Windows based products and we are not proposing that HTC be consolidated with and required to participate in the Microsoft trial. Therefore, we don't see what, if any, interest HTC would have in the question of whether the first trial should be a Microsoft trial (our understanding was that HTC agreed with this), or whether the other (non-HTC) defendants should participate in that trial to resolve the claims and defenses relating to their Windows based products.

To help us better understand HTC's position and to assess the propriety of the proposed Administrative Motion could you please provide the following information:

1. Does HTC now disagree that a Microsoft-related trial should occur first?
2. Does HTC now believe that its trial or trials should proceed before the Microsoft trials, and if so, why?
3. What relief does HTC intend to request in its Administrative Motion?
4. Is HTC requesting an opportunity to be heard on the § 299 issue, *i.e.*, whether Microsoft, ASUS, Acer, Yifang, and Visual Land should be consolidated into a single trial as to their Windows-based products?
5. Is HTC now looking to propose a different trial schedule/staging proposal than what defendants presented in the Joint CMC Statement, and if so, what is HTC's new proposal?

We are available to confer by phone as well.

Best regards,

Sean M. McCarthy

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[Bio](#)

From: Putman, Jonathan R. (Jon) (Perkins Coie) [<mailto:JPutman@perkinscoie.com>]

Sent: Tuesday, July 31, 2018 9:16 PM

To: Pickens, Robert S.

Cc: #Philips; HTC-PhilipsPerkinsService@perkinscoie.com

Subject: RE: Philips Service

Robert,

Following up on the below -- we believe that HTC deserves an opportunity to be heard on this issue. Although your motion may technically seek relief only with respect to the Microsoft defendants, the brief expressly proposes a global trial schedule that encompasses the Android defendants, which would directly impact HTC. Notwithstanding the relief you've requested, the Court may prefer to decide the trial schedule all at once. If it does, HTC needs to have a seat at the table for that discussion. As currently situated, we risk having none.

Since you did not file your motion in our case, we have no procedural mechanism to oppose it. We therefore intend to file a brief Administrative Motion notifying the Court of this issue, and briefly laying out HTC's responses to your "envisioned" global trial schedule. We hope that you will consent to our filing this motion (without waiving your right to file an opposition).

Please let us know if you consent to our filing the planned motion. If not, please provide your availability for a meet and confer this week. We aim to file this Administrative Motion on Monday.

Jon

From: Pickens, Robert S. [<mailto:RPickens@FCHS.COM>]
Sent: Thursday, July 19, 2018 10:13 AM
To: McBrayer, Ryan J. (SEA) <RMcBrayer@perkinscoie.com>
Cc: Putman, Jonathan R. (Jon) (SEA) <JPutman@perkinscoie.com>
Subject: RE: Philips Service

Ryan,

As is evidenced by the “Notice of Motion and Motion” and “Relief Requested” sections of Philips’ filing, as well as the submitted Proposed Order, Philips is not requesting any relief with regard to HTC as part of this motion. Philips is requesting that the Court consolidate Acer, ASUS, Visual Land, and YiFang in a single trial with Microsoft.

The memorandum submitted explains what Philips “envisions” regarding the ordering of subsequent trials (including an HTC trial), but does not request the Court enter any order in the HTC action at this time.

Moreover, HTC has previously agreed that a trial involving Microsoft should occur first (*see, e.g.*, Page 41 of The Joint Case Management Statement (D.I. 268) (“Defendants’ proposal: Philips v. Microsoft Trial”)). Does HTC now disagree that a Microsoft-related trial should occur first?

If you believe it would be helpful to discuss this matter further by phone, we are generally available today to speak.

Best,

Rob

Robert S. Pickens
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From: McBrayer, Ryan J. (Perkins Coie) [<mailto:RMcBrayer@perkinscoie.com>]
Sent: Thursday, July 19, 2018 9:54 AM
To: Pickens, Robert S.
Cc: JPutman@perkinscoie.com
Subject: Re: Philips Service

Do you intend the relief to impact HTC? I read the motion to be saying that HTC should go in a particular trial order. If that is what you want, it needs to be filed in our case, and HTC given a chance to respond in our case. If Philips takes no position on the order in which HTC's case should be tried and will file a corrected motion in the other cases, then you need not file that corrected motion in the HTC case.

Please let us know Philips' position today on this issue.

Best,
Ryan

----- Original Message -----

From: "Pickens, Robert S." <RPickens@FCHS.COM>
Date: Thu, Jul 19, 2018, 6:39 AM
To: "McBrayer, Ryan J. (SEA)" <RMcBrayer@perkinscoie.com>
CC: "Putman, Jonathan R. (Jon) (SEA)" <JPutman@perkinscoie.com>
Subject: RE: Philips Service

Ryan,

HTC was not served with these filings because they were not filed on the HTC docket (and out of an abundance of caution due to the confidential material included therein).

Please let us know if you have any further questions.

Best,

Robert S. Pickens
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From: McBrayer, Ryan J. (Perkins Coie) [<mailto:RMcBrayer@perkinscoie.com>]
Sent: Wednesday, July 18, 2018 3:15 PM
To: Pickens, Robert S.
Cc: JPutman@perkinscoie.com
Subject: Philips Service

Robert,
FYI, your service of the brief last night did not include HTC. We don't need you to correct it or change the certificate though. We have the brief now. Please just remember not to re-use whatever list you used as the source for future service.

Thanks,
Ryan

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